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New-Wave Spying

Navy Secretary John Lehman pitched an appropriate fit—and got chewed out by Caspar Weinberger for it—over the lax plea bargain the Justice Department arranged, with high Pentagon approval, for John Walker. Walker, who'd been peddling Navy secrets to the Russians for nearly 20 years, will in time be eligible for parole.

The question is whether Lehman's outraged concentration on the sentence itself will lead anywhere useful.

Sentencing carries essential moral meaning, and in clear cases of espionage should be stiff. But even then, it's likely to be a feeble deterrent to the new-wave, high-tech spying now open to thousands, perhaps millions, of military/industrial managers, bureaucrats and hangers-on.

Laws linger while eras pass. Our 1917 Espionage Act is a relic of another, more innocent time. The big spy story of 1917 was the Zimmermann telegram, a German diplomatic blunder intercepted and deftly used by British intelligence to fan pro-Allied fever in America.

There were military or, if you will, national security secrets in those days. But the battleship was still the great "weapon system" and all naval powers knew its secrets. Costs and building schedules were strategically crucial and often concealed. But no esoteric gizmos offered quick riches to thieves, and most spies were politically motivated.

It is all very different now, as the Walker case and others show.

In the same Maryland jurisdiction, the government less than a month ago obtained a tough "espionage" conviction against Samuel L. Morison, a ship analyst at the Naval Intelligence Support Center at Suitland. Morison had been doubling as U.S. editor for *Jane's*, the British publisher of defense reviews. Two years ago he stripped the "secret" label from two satellite photographs of a Soviet aircraft carrier under construction and sent them to *Jane's* for publication. Their publication, it was argued, could compromise KH-11 satellite photography.

The remarkable aspect of the Morison case is the designation of the offense as spying. If the Walker plea bargain trivializes a clear case of spying, the handling of Morison inflates a variant of the leaking game into "espionage." Neither makes much sense.

At Morison's trial in Baltimore, it emerged that the Russians already have the technical manual for the spy-satellite system in question. They obtained it several years ago from a disaffected CIA employee. Moreover, the photos Morison sent to *Jane's* were not the first of their type to be published.

It would be wrong to minimize what Morison did. But his conviction of "espionage" blurs a crucial and useful distinction between spying and lesser offenses. If it stands, it will have a severe chilling effect on defense reporting, helping conceal from the American public what the Kremlin often knows anyway. If Morison is a spy under the

1917 Espionage Act, such spies are as common in Washington as jaywalkers.

Although different in origins and gravity, both these cases make a sharp point about the difficulty of protecting national security secrets.

High technology, quickly obsolescent by virtue of its dynamic nature, lures us on a constant unending chase after ever more ingenious devices, thus generating more and more classification. To manage these devices, we must recruit impersonal bureaucracies with "security clearances" of one sort or another. But in these bureaucracies, primary loyalties may be eroded by routine or greed.

Add to this the monetary premium on high-tech espionage, and you have a formula for trouble, sure to produce other Walker-like cases. Walker is a bellwether, the em-

bodiment of that "new meaning of treason" identified years ago by Rebecca West, featuring the spy-as-mercenary. Greed and political amorality, not confused loyalties, account for Walker's crimes.

Morison's offenses are infinitely less serious than those of the Walker ring and not "espionage" by any sane or useful definition. But in small ways they reflect the same self-serving ethos. Morison claimed he had rendered a public service by disclosing the Russian project. That may be. But documents cited at his trial suggested that he was also hoping to work full-time for *Jane's*, and that his loyalty to the Naval Intelligence Support Center was weak.

It is far from clear that the old Espionage Act, however interpreted, has much to contribute to the real "espionage" problems of the high-tech, paper-economy world.